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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,302	06/25/2003	Song Wu	TI-33763	5280
23494	7590	01/13/2012	EXAMINER	
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DALLAS, TX 75265			ART UNIT	PAPER NUMBER
			2611	
			NOTIFICATION DATE	DELIVERY MODE
			01/13/2012	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SONG WU and RICHARD GU

Appeal 2009-012436
Application 10/603,302
Technology Center 2600

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD, ROBERT E,
NAPPI, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 (a) from a rejection of claims 1, 2, 4, and 6-12. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

1. A communication receiver apparatus, comprising:
 - an input for receiving from a communication transmitter apparatus an input analog communication signal;
 - a feedforward equalizer coupled to said input for producing in response to said input analog communication signal an equalized analog communication signal;
 - a sampler coupled to said feedforward equalizer for producing digital communication information in response to said equalized analog communication signal;
 - a feedback equalizer coupled between said sampler and said feedforward equalizer for controlling said feedforward equalizer in response to said digital communication information;
 - wherein said feedback equalizer includes a digital-to-analog conversion portion having an input coupled to said sampler for receiving said digital communication information, said digital-to-analog conversion portion having an output coupled to said feedforward equalizer;
 - wherein said digital-to-analog conversion portion includes a plurality of digital-to-analog converters having respective inputs coupled to said sampler and having respective outputs coupled to said feedforward equalizer.

*Rejections on Appeal*¹

The Examiner rejected claims 1, 2, 4, 6-9, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sawada (US 2003/0058930 A1) and Yang (US 6,469,988 B1).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sawada, Yang, and Peon (US 7,027,499 B2).

Appellants' Contentions

1. Appellants contend that the Examiner erred in rejecting claim 1 because:

Claim 1 includes " ... said digital-to-analog conversion portion includes a plurality of digital-to-analog converters ... having respective outputs coupled to said feedforward equalizer...". U.S. Patent Application Publication No. 2003/0058930 and U.S. Patent No. 6,469,988 do not show, teach, or suggest the above recited limitations of claim 1. U.S. Patent Application Publication No. 2003/0058930 and U.S. Patent No. 6,469,988 do not teach how the plurality of digital to analog converters (DACs) in U.S. Patent No. 6,469,988 would be substituted into the device of U.S. Patent Application Publication No. 2003/0058930 to obtain the device of claim 1.

(App. Br. 4).

Issue on Appeal

Did the Examiner err in rejecting claim 1 as being obvious because the references fail to teach or suggest the claim limitation at issue?

¹ Separate patentability is not argued for claims 2, 4, and 6-12.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred.

We disagree with Appellants' conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief (see Ans. 7)². We concur with the conclusion reached by the Examiner.

CONCLUSIONS

- (1) The Examiner has not erred in rejecting claims 1, 2, 4, and 6-12 as being unpatentable under 35 U.S.C. § 103(a).
- (2) Claims 1, 2, 4, and 6-12 are not patentable.

DECISION

The Examiner's rejections of claims 1, 2, 4, and 6-12 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

tj

² We note the typo at line 17 of Answer page 7 where "summer 8" should read "summer 18".